

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY V. MAESTAS,

Plaintiff,

v.

SACRAMENTO COUNTY JAIL,

Defendant.

Case No. 2:21-cv-00665-JDP (PC)

SCREENING ORDER THAT PLAINTIFF:

(1) STAND BY HIS COMPLAINT  
SUBJECT TO DISMISSAL, OR

(2) FILE AN AMENDED  
COMPLAINT

ECF No. 19

THIRTY-DAY DEADLINE

Plaintiff alleges that various unnamed defendants violated his Eighth Amendment rights by denying him adequate medical care at the Sacramento County Jail. ECF No. 19 at 3-5. His allegations are too vague to state viable section 1983 claims. This is plaintiff's second non-viable complaint. I will give him a final opportunity to amend before I recommend that this action be dismissed.

**Screening and Pleading Requirements**

A federal court must screen a prisoner's complaint that seeks relief against a governmental entity, officer, or employee. *See* 28 U.S.C. § 1915A(a). The court must identify any cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a

1 claim upon which relief may be granted, or seeks monetary relief from a defendant who is  
 2 immune from such relief. *See* 28 U.S.C. §§ 1915A(b)(1), (2).

3 A complaint must contain a short and plain statement that plaintiff is entitled to relief,  
 4 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its  
 5 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not  
 6 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.  
 7 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere  
 8 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not  
 9 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,  
 10 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that  
 11 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264  
 12 n.2 (9th Cir. 2006) (en banc) (citations omitted).

13 The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404  
 14 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it  
 15 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which  
 16 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).  
 17 However, “‘a liberal interpretation of a civil rights complaint may not supply essential elements  
 18 of the claim that were not initially pled.’” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251,  
 19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

### 20 Analysis

21 Plaintiff makes numerous allegations related to his medical care but does not adequately  
 22 associate his claims with any defendant. First, he alleges that an unnamed member of the  
 23 psychiatric staff and some “cops” ignored his soiled diapers. ECF No. 19 at 3. He provides no  
 24 other factual context for this claim. Second, he alleges that he was prescribed or given the wrong  
 25 medications. *Id.* Third, he claims that he was deprived of food for two days. *Id.* Fourth, he  
 26 claims that he was refused a referral to an outside hospital. *Id.* at 4. Plaintiff does not allege who  
 27 was responsible for the second or third claims. He associates the fourth claim with an unspecified  
 28 number of doctors, nurses, and “cops.” *Id.* at 5.

1           These allegations do not appear sufficiently related to proceed in the same suit. And, even  
 2 if that were not the case, they cannot proceed unless plaintiff provides additional context. He  
 3 must do more to differentiate the various defendants to which he alludes. Even if he cannot  
 4 provide their names, he should provide some identifying information, such as gender, specific  
 5 occupational titles, and the dates on which he encountered each defendant. Vague references to  
 6 unnamed and unnumbered doctors, nurses, and correctional officers will not suffice. Plaintiff will  
 7 have one final opportunity to file an amended complaint before I recommend that this action be  
 8 dismissed.

9           If plaintiff decides to file an amended complaint, the amended complaint will supersede  
 10 the current complaint. *See Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en  
 11 banc). This means that the amended complaint will need to be complete on its face without  
 12 reference to the prior pleading. *See* E.D. Cal. Local Rule 220. Once an amended complaint is  
 13 filed, the current complaint no longer serves any function. Therefore, in an amended complaint,  
 14 as in an original complaint, plaintiff will need to assert each claim and allege each defendant's  
 15 involvement in sufficient detail. The amended complaint should be titled "Second Amended  
 16 Complaint" and refer to the appropriate case number. If plaintiff does not file an amended  
 17 complaint, I will recommend that this action be dismissed.

18           Accordingly, it is ORDERED that:

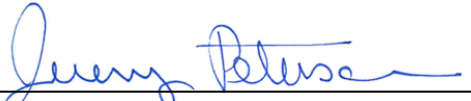
19           1. Within thirty days from the service of this order, plaintiff must either file an  
 20 Amended Complaint or advise the court he wishes to stand by his current complaint. If he selects  
 21 the latter option, I will recommend that this action be dismissed.

22           2. Failure to comply with this order may result in the dismissal of this action.

23           3. The Clerk of Court is directed to send plaintiff a complaint form.

24  
 25 IT IS SO ORDERED.

26 Dated: April 27, 2022

27   
 28 JEREMY D. PETERSON  
 UNITED STATES MAGISTRATE JUDGE

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